

**IN THE UNITED STATES DISTRICT COURT
FOR NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

BRYAN J. PESTA,)	CASE NO. 1:23-CV-00546-DAP
)	
Plaintiff,)	JUDGE DAN AARON POLSTER
)	
v.)	
)	
LAURA BLOOMBERG, in her official and individual capacities; and HARLAN M. SANDS, BENJAMIN WARD, CHRISTOPHER MALLETT, CONOR McLENNAN, and WENDY REGOECZI, in their individual capacities,)	DEFENDANTS' MOTION TO CONFORM MARCH 20, 2024 DOCKET ENTRY TO COURT'S MARCH 20, 2024 ORDER EXTENDING EXPERT REPORT DEADLINE TO MAY 31, 2024, OR IN THE ALTERNATIVE, TO EXTEND EXPERT REPORT DEADLINE TO MAY 31, 2024
)	
Defendants.)	

Defendants Laura Bloomberg, Harlan Sands, Benjamin Ward, Chrisopher Mallett, Conor McLennan, and Wendy Regoeczi (“Defendants”), by and through counsel, respectfully move the Court to conform its March 20, 2024 docket entry (“Order”) to reflect the deadlines set by the Court during the March 20, 2024 Pretrial (“Pretrial”). During the Pretrial, at the request of Plaintiff, the Court extended the parties’ fact discovery deadline from March 15, 2024, to April 30, 2024. The Court, as a result, determined that the expert report deadline should likewise be extended at the request of Defendants from May 15, 2024, to May 31, 2024, or thirty (30) days after the close of the new fact discovery date.

Defendants have been working with their expert with a May 31, 2024 deadline to produce the required reports. In reviewing the docket, it recently came to light that the Order states that the expert *discovery* deadline was moved May 31, 2024, instead of the *report* deadline. Defendants request that the Order be corrected to reflect that May 31, 2024 is the report deadline and not the discovery deadline. In support of the position that May 31, 2024 was to be the date set for reports and not the close of expert discovery, Defendants point the Court to the schedule set before the

March 20, 2024 Pretrial, which indicated that the expert discovery would close on June 15, 2024. The Court certainly would not have moved expert discovery up by fifteen days while at the same time extending the time for fact discovery. Defendants have relied upon the report date being May 31, 2024, and the discovery date being June 15, 2024, in preparing their defense and therefore ask the Court to make the minor adjustment to conform the March 20, 2024 Order to state that the expert report deadline is May 31, 2024, and that the June 15, 2024 deadline for expert discovery remains in place.

In the alternative, Defendants respectfully move the Court to extend the expert report deadline from May 15, 2024, to May 31, 2024, and the expert discovery deadline from May 31, 2024, to June 15, 2024, to allow it sufficient time to produce the reports it intends to produce in this case and time to take the required depositions of the experts prior to summary judgment. There is no prejudice to Plaintiff in this correction and/or extension as he will have plenty of time to depose the defense expert and was likewise anticipating the deadline as indicated by the Judge in the March 20, 2024 Pretrial.

Respectfully submitted,

/s/ Karen L. Giffen

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CERTIFICATE OF SERVICE

A copy of the foregoing was filed electronically on May 11, 2024. Notice of this filing will be sent to all parties through the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Karen L. Giffen

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Counsel for all Defendants